

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA TEMPORARILY AMENDING SECTION 28.87.180 OF TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE IN ORDER TO ALLOW THE USE OF TRAILER COACHES, RECREATIONAL VEHICLES, AND MOBILEHOMES AS TEMPORARY DWELLING FOR THOSE HOMES DAMAGED IN THE NOVEMBER 2008 TEA FIRE

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

Section One. For a period of one year following the effective date of this ordinance and notwithstanding Santa Barbara Municipal Code Section 28.87.180 (or any other provision of the Municipal Code), a property owner (or residential tenant of a property owner) of a dwelling which was damaged or destroyed by the November 13, 2008 Tea Fire (hereinafter referred to as the "Tea Fire") may place a Trailer Coach, a Recreational Vehicle, or a Mobilehome upon their real property and the owner or tenant of such property may occupy the Trailer Coach, Recreational Vehicle, or Mobilehome as a temporary dwelling for a period of up to two years under the following circumstances:

1. the real property has been properly cleared of debris and all damaged or destroyed structures (or portions thereof) have been appropriately demolished and removed pursuant to a City demolition permit and in a manner deemed acceptable to the City's Chief Building Official;
2. the Chief Building Official, in the application of the uniform construction and safety codes adopted by the City, has determined that the dwelling which existed on the real property prior to the Tea Fire is no longer safe or appropriate for human habitation;
3. the Trailer Coach, Recreational Vehicle, or Mobilehome will be occupied by the person or persons who were occupying a dwelling on the real property when that dwelling was damaged or destroyed in the Tea Fire;
4. a City building permit has either been issued for the construction of a replacement dwelling or the reconstruction of the existing damaged dwelling on the real property or such a permit will be applied for and obtained by the property owner within six (6) months of the issuance of a Tea Fire Temporary Dwelling permit pursuant to this ordinance;

5. the Trailer Coach, Recreational Vehicle, or Mobilehome to be used will have an approved type of connection to the City sanitary sewer system or an internal sanitary disposal system which operates in a manner approved by the Chief Building Official or the owner or tenant occupants of the temporary dwelling has contracted for and will maintain a portable sanitation service upon the property;

6. the Trailer Coach, Recreational Vehicle, or Mobilehome to be used for dwelling purposes will have an operable and code compliance and operable source of heating, smoke detectors, carbon monoxide detectors, and an electrical system or electrical hook-up acceptable to the Chief Building Official and is otherwise apparently safe for temporary human habitation, as determined by the Chief Building Official;

7. the Trailer Coach, Recreational Vehicle, or Mobilehome is sited appropriately on the real property and as shown on a site plan approved by the Chief Building Official prior to the installation of the Trailer Coach, Recreational Vehicle, or Mobilehome which site plan also shows an appropriate location for on-site vehicular parking;

8. the method of securing or tying-down the Trailer Coach, Recreational Vehicle, or Mobilehome is acceptable to the Chief Building Official and in accordance with regulations adopted by the Chief Building Official for that purpose.

Section Two. Notwithstanding any provision of the Santa Barbara Municipal Code to the contrary, no City conditional use permit, variance, modification, required setback, or design review shall be required for a Tea Fire property owner or tenant to install and use a Trailer Coach, Recreational Vehicle, or Mobilehome in the manner permitted by this ordinance. However, such use shall not occur without the property owner having first obtained a Tea Fire Temporary Dwelling permit administratively issued by the Chief Building Official pursuant to the authority of this ordinance and upon compliance with City Community Development Department's administrative regulations authorized by this ordinance.

Section Three. A Tea Fire Temporary Dwelling permit shall be valid for a period of two years from its issuance date or upon the City's issuance of a certificate of occupancy for the replacement dwelling constructed upon the real property whichever occurs first. The Community Development Director may administratively grant an extension of a Tea Fire Temporary Dwelling permit for a period of up to 180 days beyond its normal expiration date upon a showing by the real property owner that reconstruction or repair of the replacement dwelling is being undertaken and will be completed diligently and in due course, as determined in the discretion of the Community Development Director.

Section Four. This ordinance shall not apply to those real properties located, in whole or in part, within "Slide Mass C" of the Conejo Road Landslide area as that term is defined in Santa Barbara Municipal Code Chapter 22.90.

Section Five. The Community Development Director (or his designee) is hereby authorized and directed to prepare (and to make available to the public) those City administrative regulations which the Director deems necessary and appropriate to regulate the safe installation, use, maintenance, and removal of Trailer Coaches, Recreation Vehicles, and Mobilehomes as authorized by this ordinance. Such regulations may include rules and restrictions intended to minimize any noise impacts resulting from the use of the allowed temporary dwellings, including restrictions on the use of generators during the nighttime and early morning hours.

Section Six. The Community Development Department is authorized to require the payment of an application fee for a Tea Fire Temporary Dwelling permit in the amount of Three Hundred (\$300) Dollars.

Section Seven. All Capitalized terms used in this ordinance shall be as defined in the California Vehicle Code.

Section Eight. This ordinance shall expire and shall be of no further force and effect on December 31, 2012 unless extended by action of the City Council prior to that date.